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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIEGO LUA-GARCIA,

Defendant.

CASE NO. 1:20-CR-00031-JLT-BAM

STIPULATION TO CONTINUE CHANGE OF
PLEA HEARING AND ORDER THEREON

Date: July 1, 2024
Time: 9:00 a.m.
Honorable Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order this case was set for a change of plea hearing on July 1, 2024, before the Hon. Jennifer L. Thurston. The parties hereby agree to continue the change of plea hearing to July 15, 2024, at 9:00 a.m. before Hon. Jennifer L. Thurston, and exclude Speedy Trial time between July 1, 2024 and July 15, 2024.
2. The parties have finalized a plea agreement and the defendant and his attorney need additional time to review and sign the plea agreement as well as prepare for the change of plea hearing.
3. The proposed change of plea date represents the earliest date that all counsel are available for the change of plea, taking into account work that defense counsel needs to complete on the case, counsels' schedules, and the need for preparation in the case and further investigation.
4. An ends-of-justice delay is particularly apt in this case because the defendant is currently out

on pretrial release.

The parties further believe that time should be excluded, in that failure to grant the requested case schedule would unreasonably deny the defendant continuity of counsel, and unreasonably deny the defendant and the government the reasonable time necessary for effective preparation, taking into account the parties' due diligence in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv). Based on the above-stated findings, the ends of justice served by the schedule as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act. Therefore, the parties request that the Court exclude the time from July 1, 2024 until the change of plea hearing on July 15, 2024, from calculations under the Speedy Trial Act.

IT IS SO STIPULATED.

Dated: June 28, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: June 28, 2024

/s/ Victor Perez
Attorney for Defendant
Diego Lua-Garcia

ORDER

IT IS HEREBY ORDERED that the change of plea hearing on July 1, 2024, before the Hon. Jennifer L. Thurston is hereby continued to July 15, 2024, at 9:00 a.m.

IT IS FURTHER ORDERED THAT the ends of justice served by the schedule set forth herein as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act for the reasons stated in the parties' stipulation. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of July 1, 2024, and July 15, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial

IT IS SO ORDERED.

Dated: **June 30, 2024**


UNITED STATES DISTRICT JUDGE